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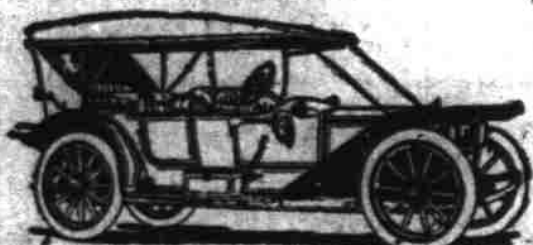
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CIVIL SERVICE COMMISSION WOULD
SECURE SUPREME COURT RULING

Supervisors Advised to Learn
of Jurisdiction of Body in Fire
and Police Departments

Recommending that the supervi-
sors submit the question of the civil
service commission's jurisdiction for
adjudication by the supreme court,
and refusing to concede that it ex-
ceeded its right, either in the matter
of its expenses or in its recommenda-
tions for the betterment of the po-
lice and fire departments, the civil
service commission last night adopted
the following report to be made to
the board of supervisors:

"Your committee having under con-
sideration reports Nos. 429 and 430
of your committee on ways and
means, and opinion No. 75 by the city
and county attorney's department,
now begs leave to reply as follows:

"Report No. 429 of Committee on
Ways and Means:

"This report deals with the expendi-
tures incurred by your commission,
and in the tone and tenor seems to
tend to discourage the activity of your
commission by financial restrictions.
Practically every act creating a civil
service commission—and we have
made a fairly comprehensive study of
a number of civil service laws on the
mainland—anticipates such financial
restrictions—either on the whole or
with regard to the more salient, rather
life-features of civil service reform.
Act 51 of the 1913 legislature also
foresees a contemplation of financial
restrictions in at least two essential
functions of the commission created
by the act, to-wit:

"Section 4. The commission shall
cause the rules and regulations, so
prepared and adopted, and all changes
thereafter made, to be printed and dis-
tributed, and the expense thereof
shall be paid by the city and county
on the certificate of the secretary of
the commission. Such rules, etc.

"Section 5. The examination which
the rules and regulations shall pro-
vide for . . . The commission shall
control all examinations and may
designate suitable persons to conduct
them and fix the rate of their com-
pensation, which shall be paid by the
city and county under the certificate
of the secretary of the commission."

"Some time ago your commission
learned, incidentally through its sec-
retary, who is also in his official ca-
pacity as city and county clerk, the
recording secretary of your board, of

the appropriation of \$300 as a fund
of incidental expenses of this com-
mission. Neither at that time, nor at
any time since, has your commission
regarded this appropriation as being
anticipatory of, and applicable toward
defraying the expenses your commis-
sion would have in connection with
the preparation of rules and regula-
tions, and with the holding of exam-
inations. And our knowledge of the
existence of such an appropriation,
and of the amount thereof, does not
waive on our part the right to cer-
tify to the city and county all ex-
penses in connection with the prepara-
tion of the rules and regulations as well
as the expenses incurred by their ex-
amination held under such rules and
regulations."

Then follows an itemization of the
expenses incurred by the commission,
following which the commission re-
plies to the second report of the
ways and means committee, saying:

"The commission never felt that it
had any right to make recommenda-
tions to the board of supervisors in
the sense expressed in the report No.
430, as well as the opinion No. 75, and
the views of the commission in this
respect were clearly expressed at the
time in the remarks prefacing the re-
commendations in question. Since the
matter has been mooted, however, the
commission upon further study be-
lieves that the civil service act im-
plies clearly a duty for the commis-
sion to point out any conditions ex-
isting in either department tending to
retard efficiency, as the purpose of
the act is the promotion of efficiency.
We do not agree with opinion No. 75
in regard to the powers of this com-
mission, and we maintain that the act
by implication does give to this com-
mission the control of, and the super-
vision over the conduct of the em-
ployees of both departments, the pur-
pose of civil service reform being as
stated above, the promotion of effi-
ciency, which purpose would be frus-
trated by any successful attempt to
curtail the powers of this commis-
sion."

"As it is no doubt also the desire of
your board to determine the powers
of this commission at an early date,
we would suggest that the questions
involved be submitted to the supreme
court for adjudication."
(Signed)

"AMBROSE J. WIRTZ,
"JOHN F. DOYLE,
"DAVID M. KUPIHEA."

ARMY AND NAVY

If a bill introduced by Senator
Chamberlain a few days ago passes,
officers who have served in the civil
zone for six years or more will
be suitably remembered by the gov-
ernment. The text of the bill is as
follows:

"That the president of the United
States be, and he is hereby, author-
ized to appoint such officers of the
States army, navy, public health and
marine hospital service as shall have
served continuously at the Isthmus
of Panama for six or more years, ex-
clusive of absence therefrom on or-
ders from, or by permission of, the
war department without discontinu-
ing their assignment thereto, on the
work of or pertaining to the construc-
tion of the Panama Canal, to the
grade next above that at present
held by such officers, provided, that
the numbers in such grades, except
where vacancies occurring in any
grade by the provisions of this act
can be filled by such officers in a
lower grade as are entitled to the
benefits of this act, shall be tem-
porarily increased during the time
such officers may be held: Provided,
further, that nothing in this act shall
operate to interfere with or retard
the promotion to which any officer
would be entitled under existing law;
and provided further, that the officers
advanced to higher grades under this
act shall be junior to the officers who
now rank them under existing law,
when these officers have reached the
same grade."

"Section 2. That at any time after
the passage of this act any officer re-
ceiving an advance in grade by the
provisions of this act, and not sub-
ject to laws now in force governing
retirement, may on his own applica-
tion be retired by the president at
75 per centum of the pay of the rank
upon which he is retired."

It is planned to assemble all of Ad-
miral Dewey's ships which took part
in the battle of Manila bay, May 1,
1898, in San Francisco for the open-
ing day of the Panama-Pacific expo-
sition of 1915. Six vessels took part
in the battle: The flagship Olympia,
Capt. Charles V. Gridley; Boston,
Capt. Frank Wildes; Raleigh, Capt.
Joseph B. Coghlan; Baltimore, Capt.
Nehemiah M. Dyer; Concord, Com-
mander Asa Walker; and Petrel, Com-

Petrel, are in Pacific waters. The
Olympia is used as a barracks for
torpedo men at the Charleston yard;
the Boston has been loaned to the
Oregon naval militia; the Raleigh is
in the Pacific reserve fleet; the Bal-
timore is out of commission at
Charleston; the Concord is with the
naval militia of Washington, while
the Petrel is at Santo Domingo. The
McCulloch is at present at San Fran-
cisco, while the Nanshan is at Guay-
mas, Mexico. The Zafiro is not now
on the naval list.

Because the presence of the battle-
ships in Mexican waters has inter-
fered with the completion of the fall
target practice the award of the gen-
eral trophy will depend upon the out-
come of the spring competitions, it
was announced at the navy depart-
ment today. From the incomplete
scores so far made it appears that the
new dreadnought Wyoming heads the
list with a combined score of 41,109
per cent, with the sister ship Arkan-
sas a close second at 40,937 per cent.

It was said that the North Dakota
probably would have led all the ships
but for the fact that she had been ob-
liged to go to the navy yard for re-
pairs at an inopportune moment.
In the engineering competitions,
which now are regarded as equal in
importance to gun practice, the Idaho
again heads the list with a percent-
age of 51.188, leading the Kansas,
whose score was 50,814 per cent.

In the destroyer class, the first
three ships in the Atlantic fleet in the
matter of high power were the Beale,
Annen and Patterson, in the order
named.

Secretary Garrison has had several
conferences with President Wilson
with respect to Philippine questions,
as well as to plans for the operation
of the Panama canal. Mr. Garrison
said that the plans for the govern-
ment of the canal zone are not suffi-
ciently matured to give them to the
president in final form. He said the
three remaining members of the Phil-
ippine commission have been agreed
upon. Their nominations will shortly
go to the senate.

Colonel Cornelius Gardener, form-
erly commanding officer of the Presi-
dio of San Francisco, who went on
the retired list a few months ago, and
Mrs. Gardener are spending the win-
ter in Portland, Or., where their two
daughters are attending school. Col-
onel Gardener intends to build a bun-
galow on his ranch at Ortley, Or.,
next summer.

The recent retirement of Colonel
Alexander O. Brodie, adjutant of the
western department, has raised to the
rank of colonel, Lieutenant-colonel
Benjamin Alvord, adjutant-general,
and only Lieutenant-colonel Eugene F.
Ladd is left as the permanent ad-
jutant-general of his rank.

Captain Charles de F. Chandler,
one of the best known aviators in
the United States army, at his own
request is relieved from further duty
in the aviation squads.

Colonel William J. Nicholson, cav-
alry, unassigned, has been assigned
to the Second Cavalry, vice Colonel
Frank West, who has been relieved
from assignment with the command.

Captain Lawrence S. Carson has
been transferred from the First Cav-
alry to the Twelfth Cavalry.

Second Lieutenant Chapman Grant,
recently appointed from civil life, has
been assigned to the Fourteenth Cav-
alry.

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